IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Elizabeth Sisley	Examiner: Herng-der Day	
Serial No.:	09/688,006	Group Art Unit: 2128	
Filed:	October 13, 2000	Docket No.: 1142.001US1	
Customer No.: 21186		Confirmation No.: 9173	
Title:	USING CONSTRAINT-BASED HEURISTICS TO SATISFICE STATIC SOFTWARE PARTITIONING AND ALLOCATION OF HETEROGENEOUS DISTRIBUTED SYSTEMS		

DECLARATION UNDER 37 C.F.R. § 1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Elizabeth Sisley, hereby declare as follows:

1. I am the inventor of application Ser. No. 09/688,006 (the "Application") and I provide this Declaration in support of the Supplemental Amendment filed herewith.

2. I have extensive training and experience in software development. For the past ten years I have been an Adjunct Professor of Computer Science and Engineering at the University of Minnesota. In 1990, I received a Master of Science degree in Computer Science from the University of Minnesota. In 1999, I received a Ph.D in Computer Science, also from the University of Minnesota. I have over twenty years of software industry experience including defense, commercial, information technology and research and development software. I am a named inventor on six issued patents.

3. The Supplemental Amendment filed herewith corrects an inadvertent typographical error in Table 6 of the specification.

4. A software engineer of ordinary skill would recognize that there are typographical errors in Table 6 of the specification as filed, and in particular, typographical errors in the first row of the table, because the entries of the first row of the table related to timing strength are inconsistent with the description of the Timing Strength in other portions of the specification and with the other entries of Table 6. For example, the specification, at page 21, lines 17-23 describes "using a step function to identify endpoints and the average network capacity and mapping them to the extremes of the coupling scale." Further, the heading of column 1 of Table 6 on page 21 indicates that the entries are step functions for Timing, Frequency and Bandwidth.

This is consistent with the description at other portions of the specification as filed. Page 26, lines 17-18 of the specification state that a step function is used to determine timing strength and lines 19 -20 state that a step function is used to determine frequency strength. Further, page 27, lines 14-15 again state that a step function is used to determine timing strength and lines 17-19 again state that a step function is used to determine frequency strength. Page 27, lines 20-21 state that a step function is used to determine bandwidth strength. Still further, page 29, lines 1-3 yet again state that a step function is used to determine timing strength. Page 29, lines 4-6 again state that a step function is used to determine frequency strength. Page 29, lines 7-9 again state that a step function is used to determine bandwidth strength.

5. While the frequency and bandwidth entries of Table 6 on page 21 describe step functions consistent with the above-mentioned portions of the specification, the timing entry of the first row of Table 6 on page 21 does not describe a step function and is thus inconsistent with its description at the above-mentioned portions of the specification. By amending the Timing entry in row 1 of Table 6 as indicated in the Supplemental Amendment filed herewith, the Timing entry does in fact describe a step function and is thus consistent with the description of the calculation of the timing strength using a step function as describe on pages 21, 26, 27 and 29.

6. In view of the above, a software developer having ordinary skill would recognize that the first row, the Timing row, of Table 6 on page 21 as filed contains an inadvertent typographical error. Further, a software develop of ordinary skill would recognize in view of the portions of the specification identified above that the appropriate correction to the typographical error is the amendment provided in the Supplemental Amendment filed herewith.

7. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

Date Oct 26, 2009 Elizabeth Sisley

Elizabeth Sisley